



Atty. Dkt. No. 077319-0389

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. ELLISON et al.

Title: COMPOSITIONS AND METHODS FOR THE TREATMENT
OF PRIMARY AND METASTATIC NEOPLASTIC
DISEASES USING ARSENIC COMPOUNDS

Appl. No.: 10/649,776

Filing Date: 08/28/2003

Examiner: Not yet assigned

Art Unit: 1614

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/173,531, filed 10/15/1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.



TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of the majority of the foreign-language documents is explained in the parent application.

Further, some of the documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding European applications. A copy of each of the European Search Reports is attached setting forth the portion of each document considered relevant by the examiner. The absence of a translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

7 May 2004

FOLEY & LARDNER LLP

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By

Stephen A. Bent

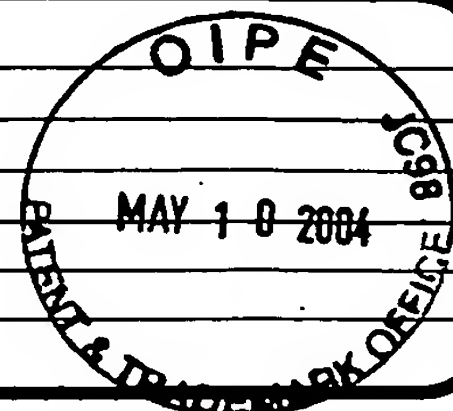
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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 10, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/649,776
				Filing Date	08/28/2003
				First Named Inventor	Ralph M. ELLISON
				Group Art Unit	1614
				Examiner Name	Unassigned
				Attorney Docket Number	077319-0389
Sheet	1	of	7		



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		132,275		Gettings	10/15/1872	
		232,807		Dennett	10/05/1886	
		3,700,498		Kanazawa et al.	10/24/72	
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		08/702,011		Zhang	Fld: 8/23/96	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
			JP-51-88620			03/08/76		
			WO 95/01789			1/19/95		
			CN 1133725 A			10/23/96		
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			FR 2 699 820		Eric PICHOT	12/24/1992		

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NON PATENT LITERATURE DOCUMENTS			
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		USP Dictionary of USAN and International Drug Names, United States Pharmacopeial Conventions, Inc., Rockville Md., p. 59, November 1995	
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		David A. SEARS MD, "History of the Treatment of Chronic Myelocytic Leukemia", American Journal of the Medical Sciences, Vol. 296, No. 2, 8/1988, pp. 85-86.	
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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: May 10, 2004 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/649,776
				Filing Date	08/28/2003
				First Named Inventor	Ralph M. ELLISON
				Group Art Unit	1614
				Examiner Name	Unassigned
				Attorney Docket Number	077319-0389
Sheet	7	of	7		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
		W. ZHANG et al., "The induction of apoptosis and cell cycle arrest by arsenic trioxide in lymphoid neoplasms", Leukemia (1998), vol. 12, no. 9, 9/1998, pp. 1383-1391.	
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